

ORIGINAL

PETER C. WOLFF, JR. #2332
Federal Public Defender
District of Hawaii

ALEXANDER SILVERT
First Assistant Federal Defender
300 Ala Moana Boulevard, Suite 7104
Honolulu, Hawaii 96850-5269
Telephone: (808) 541-2521
Facsimile: (808) 541-3545
E-Mail: alexander_silvert@fd.org

Attorney for Petitioner
REGINA SMITH

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

JUN 20 2006

at 11 o'clock and 32 min. PM
SUE BEITIA, CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

REGINA SMITH,)	CIV. NO. 04-00091 HG/BMK
)	
Petitioner,)	PETITIONER'S REQUEST FOR
)	EXTENSION OF TIME TO FILE
vs.)	BRIEF ON THE MERITS;
)	CERTIFICATE OF SERVICE
JOHN F. PEYTON, Director,)	
Department of Public Safety, State of)	
Hawaii; and MILLICENT)	
NEWTON-EMBRY, Warden, Mabel)	
Bassett Correctional Center,)	
)	
Respondents.)	
_____)	


**PETITIONER'S REQUEST FOR EXTENSION
OF TIME TO FILE BRIEF ON THE MERITS**

Petitioner, Regina Smith, herein requests an extension of time to file a brief on the merits. The Respondent has been informed of this request and has no objection.

On June 9, 2006, the Court filed an order stating that the Petitioner could proceed on the merits of her habeas corpus petition as to issues #1, 2, 5, and 6. The Court ordered that Petitioner file her brief on the merits by July 10, 2006. Counsel for Petitioner requests an additional 30 days to file this brief. In addition to counsel's usual caseload, counsel is currently preparing a death penalty mitigation presentation in the case of United States v. Delilah Williams, Mag. No. 05-0606. Counsel was informed, prior to receiving the Court's order in this case, that counsel would have to make an appearance in Washington, D.C. before a panel of Department of Justice attorneys in an attempt to persuade that panel not to seek the death penalty in the Delilah Williams' case. This meeting is set for July 10, 2006. Counsel will be in Washington, D.C. on July 5th to meet with co-counsel and to finish preparing this presentation. Counsel will not return until July 14, 2006. As a result, counsel is seeking a 30 day continuance to file a brief on the merits.

Counsel spoke with Daniel Shimizu, the attorney for Respondent regarding this request and Mr. Shimizu stated he had no objection so long as his time to respond was altered accordingly.

DATED: Honolulu, Hawaii, June 20, 2006.



ALEXANDER SILVERT
Attorney for Petitioner
REGINA SMITH

CERTIFICATE OF SERVICE

I, CHRISTINA FULLER, hereby certify that on the date and by the method of service noted below, a true and correct copy of the foregoing was served on the following at their last known addresses on June 20, 2006:

Served by First Class Mail:

DANIEL H. SHIMIZU
Deputy Prosecuting Attorney
City and County of Honolulu
1060 Richards Street
Honolulu, Hawaii 96813

DATED: Honolulu, Hawaii, June 20, 2006.



CHRISTINA FULLER
Legal Secretary to
ALEXANDER SILVERT
Attorney for Petitioner
REGINA SMITH